

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 27TH JUNE 2007 / 6TH ASHADHA 1929

WP(C).No. 19621 of 2007(J)

PETITIONER:

T.C.JOSE, CONTRACTOR, THAZHATH HOUSE,
NELLIKUNNU P.O., THRISSUR.

BY ADV. SRI.M.B.PRAJITH

RESPONDENTS:

1. THE THRISSUR CORPORATION, REPRESENTED BY
ITS SECRETARY, THRISSUR.
2. THE SECRETARY, THE THRISSUR CORPORATION,
THRISSUR.
3. THE CORPORATION COUNCIL REPRESENTED
BY ITS SECRETARY, THRISSUR CORPORATION, THRISSUR.

BY ADV. SRI.K.B.MOHANDAS,SC,THRISSUR CORPORATIO
SRI.LELLULAL T.G.THUNDATHIL
SRI.K.A.SREEJITH
BY GOVT. PLEADER SRI. MOHAMMED ANZAR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 27/06/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.M.JOSEPH, J.

WP.(C) No.19621 of 2007

Dated this the 27th day of June, 2007

JUDGMENT

Petitioner is aggrieved by the distraint issued by the second respondent after fifteen years demanding to remit the amount alleged to be given in excess. Petitioner has approached this court earlier evidenced by Ext.P5 judgment. This court had directed that taking note of the stand of the Corporation that the impugned order is appealable to the Council of the Corporation, disposed of the writ petition relegating the petitioner to the remedy by way of appeal. The court directed the matter to be kept in abeyance for a period of six weeks from the date of the judgment, namely, 13.2.2007. Ext.P6 appeal dated 18.2.2007 is seen to have been received on 19.2.2007 as evident from Ext.P7 receipt. Petitioner challenges Exts.P1, P3, P4 and P8 demand notices. Complaint of the petitioner is that even though petitioner has preferred appeal as was permitted by Ext.P5 judgment, no decision is taken in the appeal yet and by Ext.P8 coercive steps have been taken. It would appear that the appeal filed by the petitioner is not yet considered and

disposed of.

In such circumstances, the writ petition is disposed of directing that Ext.P6 appeal filed by the petitioner before the third respondent be considered and decision taken in accordance with law after hearing the petitioner within a period of one month from today. Till such time as a decision is taken, coercive steps against the petitioner shall be kept in abeyance.

(K.M. JOSEPH, JUDGE)

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